

Panaji, 18th September, 1997 (Bhadra 27, 1919)

SERIES I No. 25

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the official Gazette, Series I No. 24 dated 11-9-97 namely, Extraordinary dated 12-9-97 from pages 411 to 412 regarding Notification from Department of Transport.

GOVERNMENT OF GOA

Department of Home
Home - General Division

Notification

2/20/92-HD(G)

In exercise of the powers conferred by section 13A of the Goa, Daman and Diu Public Gambling Act, 1976 (Act 14 of 1976), read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa hereby amends the Government Notification No. 2-20/92-HD (G) dated 9-11-95, published in the Official Gazette, Series I No. 34, dated 23-11-95 (hereinafter called the "principal Notification"), as follows namely:—

In the principal Notification.—

(a) in condition 1, after clause (x), the following clause shall be added, namely:—

"(xi) 'vessel' means and includes any ship, boat, etc. used in navigation and licensed by the Director General of Shipping, Ministry of Surface Transport, Government of India.",

(b) in condition 2, the following proviso shall be added, namely:—

"provided that for installing and operating electronic amusements/slot machines on board any vessel, separate area shall have to be set apart within the licensed premises, for the purpose.",

(c) in condition 5, in clause (viii), for the words "Five Star Hotels", the words "Five Star Hotels/Vessels" shall be substituted.

2. This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 27th August, 1997.

Notification

2/65/90-HD(G)/Part II

In exercise of the powers conferred by clause (a) of sub-section (2) read with sub-section (1) of section 23 of the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956), the Government of Goa hereby makes the following rules, namely:—

1. *Short title, commencement and application.*— (1) These rules may be called the Goa Immoral Traffic (Prevention) Notification of public places Rules, 1997.

(2) They shall come into force at once.

(3) They shall apply to the whole of the State of Goa.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) 'Act' means the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956);

(b) 'Section' means a section of the Act;

(c) Words and phrases used in these rules and not defined shall have the same meaning as assigned to them in the Act.

3. *Public place and manner of notifying public places.*— (1) Government may, by notification in the Official Gazette, notify such places as it deems fit, to be public places for the purposes of the Act.

(2) The copy of the notification shall be affixed at a conspicuous part of the public place so notified and at the Police Station and Magistrate's office within whose jurisdiction such public place/s falls.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 9th September, 1997.

Department of Labour

Notification

CL/MWA/(42)/88/4119

The following draft Notification which is proposed to be issued under sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act No. 11 of 1948), revising minimum rates of wages payable to various categories of employees employed in various trades in the Scheduled employment, namely, "Employment in Brick and Tiles Manufactory", is hereby published as required by clause (b) of sub-section (1) of section 5 of the said Act.

Notice is hereby given that the said draft would be taken into consideration by the Government after the expiry of two months from the date of publication of this Notification in the Official Gazette. All persons likely to be effected thereby may forward their suggestions and objections if any, to the Secretary, Labour, E. D. C. House, Panaji-Goa before the expiry of the two months from the date of publication of the draft Notification in the Official Gazette.

Draft Notification

In exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Goa, hereby gives its intention of revising the minimum rates of wages payable to the various categories of employee employed in "Employment in Bricks and Tiles Manufactory" in the State of Goa, as specified in the Schedule below:—

SCHEDULE

Sr. No.	Category of work	All inclusive minimum rates of wages
(1)	(2)	(3)

Category - I

- | | |
|---|-----------------------|
| (1) Foreman | Rs. 75.00 per day or |
| (2) Mistri | Rs. 1950.00 per month |
| (3) Production Superintendent | |
| (4) Technician Grade I | |
| (5) Production Incharge | |
| (6) Chief Operator | |
| (7) Any other employees by whatever name called but doing the work of the nature done by persons falling under this category. | |

Category - II

- | | |
|----------------------|-----------------------|
| (1) Pressman | Rs. 72.00 per day or |
| (2) Mistry | Rs. 1872.00 per month |
| (3) Operator | |
| (4) Machine Operator | |
| (5) Supervisor | |
| (6) Moulder | |
| (7) Machine Mechanic | |
| (8) Mechanic | |
| (9) Tiles Salter | |
| (10) Colour Mixerer | |
| (11) Draftsman | |
| (12) Electrician | |

(1)	(2)	(3)
-----	-----	-----

- (13) Carpenter
- (14) Fitter
- (15) Turner
- (16) Welder
- (17) Crusher Operator
- (18) Technician
- (19) Any other employees by whatever name called doing the work of the nature done by the persons falling under the foregoing entries.

Category - III

- | | |
|---|-----------------------|
| (1) Asstt. Supervisor | Rs. 64.00 per day or |
| (2) Asstt. Electrician | Rs. 1664.00 per month |
| (3) Asstt. Carpenter | |
| (4) Asstt. Fitter | |
| (5) Asstt. Turner | |
| (6) Asstt. Welder | |
| (7) Asstt. Machine Operator | |
| (8) Asstt. Fireman | |
| (9) Any other employees by whatever name called doing the work of the nature done by the persons falling under the foregoing entries. | |

Category - IV

- | | |
|--|-----------------------|
| (1) Clay slakers | Rs. 60.00 per day or |
| (2) Helpers | Rs. 1560.00 per month |
| (3) Watchman | |
| (4) Labourer | |
| (5) Sweeper | |
| (6) Peon | |
| (7) Gardener | |
| (8) Hamal | |
| (9) Worker | |
| (10) Coolie | |
| (11) Office Boy | |
| (12) Any other employees by whatever name called doing the work of the nature done by the persons falling under the foregoing entries. | |

Administrative - V

- | | |
|--------------------------|-----------------------|
| (1) Manager | Rs. 80.00 per day or |
| (2) Head Clerk | Rs. 2080.00 per month |
| (3) Accountant | |
| (4) Senior Store Keeper | |
| (5) Store Superintendent | |
| (6) Stenographer | |

Clerical - VI

- | | |
|------------------------|-----------------------|
| (1) Clerk | Rs. 75.00 per day or |
| (2) Store Keeper | Rs. 1950.00 per month |
| (3) Store Clerk | |
| (4) Accounts Clerk | |
| (5) Cashier | |
| (6) Typist | |
| (7) Telephone Operator | |

Explanation for the purpose of this Notification:

1. Where in any area or establishment or scheduled employment Wages fixed under this Notification are lower than the wages by agreement/settlement or contract or contractors regulation attached to the conditions of contract, the higher rates would be payable as Minimum Wages under this Notification.

2. The minimum rates of wages are applicable to employees engaged by the Principal Employers or Contractors or Sub-Contractors, etc.

3. The minimum rates of wages fixed are all inclusive rates including the wages for the weekly day or rest.

4. Both men and women workers have to be paid the same rates of wages fixed for the same category and for equal work.

5. In case of employees employed on piece-rate basis, the minimum rates of wages payable to him shall be at a rate not less than the minimum rates of wages fixed for the class/category, to which he belongs under this Notification.

By order and in the name of the Governor of Goa.

R. S. Mardolker, Ex-Officio Joint Secretary (Labour).

Panaji, 1st August, 1997.

◆◆◆

Department of Law & Judiciary

Legal Affairs Division

Notification

10-5-96/LA-Vol.I

The National Highways Laws (Amendment) Ordinance, 1997 (Ordinance No. 9 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 24th January, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 20th February, 1997.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th January, 1997/Magha 4, 1918 (Saka)

The National Highways Laws (Amendment) Ordinance, 1997

No. 9 of 1997

Promulgated by the President in the Forty-seventh Year of the republic of India.

An Ordinance further to amend the National Highways Act, 1956 and the National Highways Authority of India Act, 1988.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Ordinance may be called the National Highways Laws (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

CHAPTER II

Amendment of the National Highways Act, 1956

2. *Amendment of section 2.*—In section 2 of the National Highways Act, 1956 (hereinafter referred to as the National Highways Act), in sub-section (1), the words “excepts such parts thereof as are situated within any municipal area” shall be omitted. 48 of 1956.

3. *Substitution of new sections for section 3.*—For section 3 of the National Highways Act, the following sections shall be substituted, namely:—

“3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “competent authority” means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority for such area as may be specified in the notification;

(b) “land” includes benefits to arise out of land and things attached to the earth or permanently fastened to any thing attached to the earth.

3A. *Power to acquire land, etc.*—(1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. *Power to enter for survey, etc.*— On the issue of a notification under sub-section (1) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—

- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;
- (c) dig or bore into sub-soil;
- (d) set out boundaries and intended lines of work;
- (e) mark such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. *Hearing of objections.*— (1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.— For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961.

25 of 1961.

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. *Declaration of acquisition.*— (1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be

taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

3E. *Power to take possession.*— (1) Where any land has vested in the Central Government under sub-section (2) of section 3D, and the amount determined by the competent authority under section 3G with respect to such land has been deposited under sub-section (1) of section 3H, with the competent authority by the Central Government, the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

- (a) in the case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;
- (b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a District;

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

3F. *Right to enter into the land where land has vested in the Central Government.*— Where the land has vested in the Central Government under section 3D, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of a national highway or a part thereof, or any other work connected therewith.

3G. *Determination of amount payable as compensation.*— (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or

by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act. 26 of 1996.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 3A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

3H. *Deposit and payment of amount.*—(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by the Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

3I. *Competent authority to have certain powers of civil court.*—The competent authority shall have, for the purposes, of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

3J. *Land Acquisition Act 1 of 1894 not to apply.*—Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act."

4. *Omission of sections.*—Section 8 of the National Highways Act shall be omitted.

5. *Amendment of section 9.*—In section 9 of the National Highways Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of section 3H;".

CHAPTER III

Amendment of the National Highways Authority of India Act, 1988

6. *Substitution of new section for section 13.*—For section 13 of the National Highways Authority of India Act, 1988 (hereinafter referred to as the National Highways Authority Act), the following section shall be substituted, namely:— 68 of 1988

"13. *Compulsory acquisition of land for the Authority.*—Any land required by the Authority for discharging its functions under this Act shall be deemed to be land needed for a public purpose and such land may be acquired for the Authority under the provisions of the National Highways Act, 1956." 48 of 1956.

7. *Amendment of section 16.*—In section 16 of the National Highways Authority Act, in sub-section (2) for clause (h), the following clause shall be substituted, namely,—

"(h) engage, or entrust any of its functions to, any person on such terms and conditions as may be prescribed;".

8. *Substitution of new section for section 17.*— For section 17 of the National Highways Authority Act, the following section shall be substituted, namely:—

“17. *Additional capital and grants to the Authority by the Central Government.*— The Central Government may, after due appropriation made by Parliament, by law in this behalf,—

(a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as that Government may determine;

(b) pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as the Government may consider necessary for the efficient discharge by the Authority of its functions under this Act.”

9. *Amendment of section 34.*— In section 34 of the National Highways Authority Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(dd) the terms and conditions subject to which the functions of the Authority may be entrusted to any person under clause (h) of sub-section (2) of section 16;”

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India

Notification

10-5-96/LA-Vol.I

The Lalit Kala Akadami (Taking over of Management) Ordinance, 1997 (Ordinance No. 10 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 24th January, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 20th February, 1997.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th January, 1997/Magha 4, 1918 (Saka)

THE LALIT KALA AKADAMI (TAKING OVER OF MANAGEMENT) ORDINANCE, 1997

No. 10 of 1997

Provided promulgated by the President in the Forty-seventh Year of the period or per public of India.

An Ordinance to provide for the taking over of the management of the Lalit Kala Akadami for a limited period in the public interest and for matter connected therewith or incidental thereto.

Whereas the Lalit Kala Akadami was set up as an apex cultural body in the field of visual arts by the Government of India by Parliamentary Resoulation passed on the 5th August, 1954 to encourage and promote visual arts, paintings, graphics, sculptures, etc.;

And Whereas the Lalit Kala Akadami was registered as a society under the Societies Registration Act, 1860 (21 of 1860) on the 11th March, 1957;

And Whereas the Akadami has full functional autonomy in the field of its activity, even though the Government of India is the sole-funding agency for the organisation;

And Whereas pursuant to the complaints received with regard to the misuse of funds by the Lalit Kala Akadami from severall quarters including from the Hon'ble Members of Parliament, a Committee was set up by the Government of India by Resoulation dated the 24th March, 1988 under the Chairmanship of Shri P. N. Haksar to go into the functioning of the Lalit Kala Akadami and the said Committee, after a detailed scrutiny of the affairs and irregularities in the management of the said Akadami, recommended the restructuring of their General Council, Executive Board and the electrol roll, of the artists constitutency;

And Whereas, in view of the serious difficulties which have arisen with regard to the management of the Lalit Kala Akadami, it is necessary to take over, for a limited period, the management thereof and it is felt that any delay in taking over the management of the Lalit Kala Akadami would be highly detrimental to the interests and objectives of Akadami;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Ordinance may be called the Lalit Kala Akadami (Taking Over of Management) Ordinance, 1997.

(2) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) “Administrator” means a person appointed as the Administrator under section 4;

(b) “prescribed” means prescribed by rules made under this Ordinance;

(c) "Societies Registration Act" means the Societies Registration Act, 1860, as in force in 21 of 1860. the National Capital Territory of Delhi;

(d) "society" means the Lalit Kala Akadami being a society registered under the Societies Registration Act;

(c) words and expressions used herein and not defined, but defined in the Societies Registration Act shall have the meanings respectively assigned to them in that Act.

CHAPTER II

Taking over of the Management of the Lalit Kala Akadami

3. *Management of the society.*—(1) On and from the commencement of this Ordinance, and for a period of three years thereafter, the management of the society shall vest in the Central Government:

Provided that if the Central Government is of opinion that in order to secure the proper management of the society, it is expedient that such management should continue to vest in the Central Government after the expiry of the said period of three years, it may, from time to time, issue directions for the continuance of such management for such period, not exceeding one year at a time, as it may think fit; so, however, that the total period for which such management shall continue to vest in the Central Government shall not, in any case, exceed five years.

(2) The management of the society shall be deemed to include management of all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works of art, workshops, projects, stores, instruments, library, machinery, automobiles and other vehicles, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the commencement of this Ordinance in the ownership, possession, power or control of the society, and all such books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the undertaking and affairs of the society and in force immediately before the commencement of this Ordinance shall be deemed to have terminated on such commencement.

(4) All persons in charge of the management of the society, including persons holding offices as Chairman, Vice-Chairman, Secretary or Honorary Secretary, as the case may be, and members of the General Council, Executive Board, Finance Committee and all other committees of the society immediately before the commencement of this Ordinance shall be deemed to have vacated their offices as such on such commencement.

4. *Administrator of the society.*—(1) The Central Government shall, as from commencement of this Ordinance, appoint a person as the Administrator of the undertaking for the purpose of taking over the administration thereof and the Administrator shall carry on the management of the undertaking for and on behalf of the Central Government.

(2) Subject to the supervision, control and directions of the Administrator, the functions of the finance Committee of the Society, before the commencement of this Ordinance, shall be exercised by an officer of the Central Government, to be appointed by that Government.

(3) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the administrator as to his powers and duties as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the society or in relation to any matter arising in the course of such management.

(4) Subject to the other provisions of this Ordinance and the rules made thereunder and to the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in the Societies Registration Act or in any other law for the time being in force, to exercise, in relation to the management of the society, the powers of the General Council, or, as the case may be, the Executive Board, including the powers to dispose of any property or assets of such society, whether such powers are derived under any law for the time being in force or from the memorandum and rules and regulations of the society or from any other source.

(5) Every person having possession, custody or control of any property forming part of the society shall deliver forthwith such property to the Administrator.

(6) Any person who, on the commencement of this Ordinance has in his possession or under his control any books, papers, works of art or other documents relating to management of the society, including the minutes books containing the resolutions of the persons in charge of the management of the society before the commencement of this Ordinance, the current cheque books relating to the management of the society, any letters, memoranda, notes or other communications between him and the society shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers, works of art and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Administrator.

(7) Any person in charge of the administration of the society immediately before the commencement of this Ordinance shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particulars of books debts and investments and belongings) forming part of the society immediately before the commencement of this Ordinance and of all the liabilities and obligations of the society, in relation to its administration, subsisting immediately before such commencement, and also of all agreements entered into by the society in relation to its administration and in force immediately before such commencement.

(8) The Administrator shall receive from the funds of the society such remuneration as the Central Government may fix.

5. *No right to compensation for premature termination of a contract.*— Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3) of section 3 or who ceases to hold any office by reason of the provisions contained in sub-section (4) of that section, shall be entitled to claim any compensation for the premature termination of the contract of administration or other arrangement or for the loss of his office.

6. *Relinquishment of administration of the society.*— (1) Notwithstanding anything contained in sub-section (1) of section 3, if, at any time before the expiry of the period referred to in that sub-section, it appears to the Central Government that the purposes of the vesting of the management of the society in that Government have been fulfilled or that for any other reason it is not necessary that the management of the society should remain vested in that Government, it may, by order published in the Official Gazette, relinquish the management of the society with effect from such date as may be specified in the order.

(2) On and from the date specified under sub-section (1), the administration of the society shall vest in the General Council of the society and such management shall be carried on in accordance with the provisions of the Societies Registration Act so, however, that the steps, if any, in relation to the management of the society may be taken after the publication of the order under sub-section (1).

7. *Application of Act 21 of 1860.*— (1) Notwithstanding anything contained in the Societies Registration Act or in the memorandum and rules and regulations of the society, but subject to the provisions of sub-section (2) of section 6, so long as the management of the society remains vested in the Central Government,—

(a) it shall not be lawful for the members of the society or any other person to nominate or appoint any person to be a member of the General Council of the society;

(b) no resolution passed at any meeting of the members of the society or at any meeting of the General Council of the society, on or after the commencement of this Ordinance, shall be given effect to unless approved by the Central Government;

(c) no proceeding for the dissolution of the society or for the merger with any other society or for the appointment of a Receiver in respect of its administration shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and subject to such other exceptions, restrictions and limitations, if any, as may be prescribed, the Societies Registration Act shall continue to apply to the society in the same manner as it applied thereto before the commencement of this Ordinance.

CHAPTER III

Miscellaneous

8. *Penalties.*— Any person who,—

(a) having in his possession or custody or under his control any property forming part of the society, wrongfully withholds such property from the Administrator or any person authorised under this Ordinance, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains, or fails to deliver, any property forming part of the society or removes or destroys it, or

(d) wilfully withholds or fails to account for any books, papers, works of art or other documents which may be in his possession or custody or under his control to the Administrator or any person authorised under this Ordinance, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (6) of section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

9. *Offences by Companies.*— (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall under any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

10. *Exclusion of period of operation of Ordinance.*— In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by the society in respect of any matter arising out of any transaction in relation to its management, the time during which this Ordinance is in force shall be excluded.

11. *Ordinance to have overriding effect.*— The provisions of this Ordinance or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Ordinance or in any instrument having effect by virtue of any law other than this Ordinance or in any decree or order of any court.

12. *Protection of action taken in good faith.*— (1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer of the Central Government or any other person for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Central Government or the Administrator or any officer of the Central Government or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

13. *Contracts in bad faith may be cancelled or varied.*— (1) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement entered into at any time within one year immediately preceding the commencement of this Ordinance, between the society and any other person, in so far as such contract or agreement relates to the management of the society, has been entered into in bad faith, or is detrimental to the interests of the society, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order under sub-section (1) may make an application to the High Court at Delhi for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

14. *Power to terminate contract of employment.*— If the Administrator is of opinion that any contract of employment entered into by the society in relation to its management, at any time before the commencement of this Ordinance, is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

15. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect,

as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Government of India.

Department of Public Health
Goa Dental College & Hospital

Order

2/32/83-GDCH/EST/841

Read:- Government Notification No. 71/101/84-I/PHD
dated 8th August, 1995.

Government is pleased to increase the levy of Registration Fee to patients attending the O. P. D. in Goa Dental College and Hospital, Bambolim Goa from Rs. 5/- to Rs. 10/- with effect from the date of publication in Official Gazette.

By order and in the name of the Governor of Goa.

Dr. R. K. Singh, Dean and Ex-Officio Addl. Secretary.

Panaji, 30th July, 1997.

Department of Transport

Directorate of Transport

Office of the Ex-Officio Joint Secretary (Transport)

Notification

5-9-86/TIT(Tpt)-911

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974 were published as required by sub-section (1) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974), in the Official Gazette, Series I No. 12, dated 19-6-1997, Extraordinary, under the Notification No. 5/9/86-TIT (Tpt), dated 17-6-1997, of the Directorate of Transport, Government of Goa, Panaji, inviting objections and suggestions from all persons likely to be affected thereby, within fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 19th June, 1997;

And whereas no objections/suggestions have been received from the public on the said draft rules by the Government.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (2) of section 24 read with sub-section (2) of section 11 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974), and all other powers enabling it in that behalf, the Government of Goa, hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Motor Vehicles Tax (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of rule 22.*— In rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, in sub-rule (1), after item (xiv), the following item shall be added, namely:—

“(XV) Non-transport vehicles belonging to the personnel of the Indian Armed Forces, Central Government employees, Officers of All India Services and Judges of High Court, which are brought by them to the State of Goa on transfer and in respect of which life time tax and quarterly or annual tax, as the case may be, has already been paid in other States or Union Territories prior to their posting to the State of Goa. for the period for which the life time tax and quarterly or annual tax, as the case may be, already been paid in other States or Union Territories”.

By order and in the name of the Governor of Goa.

K. N. S. Nair, Ex-Officio Joint Secretary (Tpt.).

Panaji, 25th August, 1997.